

The Department of Community Development

City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission

From: Planning Division

Date: October 10, 2007

Re: **REZONING: B-1, Limited Business District & B-5, General Business District to R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District & B-6, Riverfront Business District**
ZONING ORDINANCE AMENDMENT: Adoption of Section 35.1-43.2, Fifth Street Revitalization Corridor Overlay District (FSC)

I. PETITIONER

City of Lynchburg, Planning Commission

Representative: Tom Martin, AICP, City Planner, Planning Division, 900 Church Street, Lynchburg, VA 24504

II. LOCATION

The subject properties are generally located two (2) blocks on either side of the Fifth Street Corridor extending from Church Street to the Martin Luther King, Jr. Memorial Bridge.



Property Owners: See attached property owner list.

III. PURPOSE

The purpose of these petitions is to rezone properties along the Fifth Street Corridor and adopt the Fifth Street Revitalization Corridor Overlay District to create land use regulations that are conducive to implementing the Vision, Goals & Objectives of the *Fifth Street Corridor Master Plan*.

IV. SUMMARY

- Petitions agree with the *Comprehensive Plan* which designates Fifth Street as a “revitalization” area. (4.9)
- Petitions agree with the *Comprehensive Plan* which recommends measures to encourage housing rehabilitation and compatible residential infill in close proximity to the corridor. (4.9)
- Petitions agree with the *Comprehensive Plan* which recognizes that small lot sizes have limited the success of properties in the area. (4.9)

- Petitions agree with the *Fifth Street Corridor Master Plan* which recognizes that the existing B-5, General Business District zoning is not appropriate for the corridor. (pg. 37)
- Petitions agree with the *Fifth Street Corridor Master Plan* which recommends the creation of an overlay district for the area. (pg. 38)
- Petitions agree with the *Fifth Street Corridor Master Plan* which recommends that residential blocks be rezoned from B-5, General Business District to an appropriate residential zone. (pg. 38)

The Planning Division recommends approval of the rezoning and adoption of the Fifth Street Revitalization Corridor Overlay District.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* designates Fifth Street as a revitalization area and recommends measures to encourage housing rehabilitation and compatible residential infill in close proximity to the corridor. (4.9) The *Fifth Street Master Plan* recognizes that the existing B-5, General Business District zoning is not appropriate for the area but did recommend leaving it as an interim measure until a more appropriate zoning could be put in place. (pg. 37) The adoption of the B-6, Riverfront Business District, appropriate residential zoning and the Fifth Street Revitalization Corridor Overlay District will help progress the Vision, Goals & Objectives of the *Fifth Street Master Plan*.

2. **Zoning.** The properties proposed for rezoning and inclusion in the proposed overlay district are in the oldest areas of the City. The areas closest to downtown are part of the original City established in 1786, with the other outlying areas being annexed in 1852 and 1870.

The existing B-5, General Business District zoning for the area was established in 1978 with the adoption of the current Zoning Ordinance. Prior to its adoption only the properties fronting on Fifth Street were zoned for “business”. The zoning for Fifth Street matched that of the downtown until 1960 when a B-4, Central Business District was established for the area between Church & Commerce Streets.

Plans to widen Fifth Street in the late 1960’s probably justified the zoning of the area to a B-5, General Business District (the most intense commercial zoning category in the City). This zoning classification along with heavy thru traffic accelerated the development of “auto” dominated businesses along the corridor.

The *Fifth Street Master Plan* adopted in 2006 as part of the City’s *Comprehensive Plan* establishes the framework for the creation of a mixed-use pedestrian oriented street that supports the needs of the surrounding neighborhoods. The proposed rezoning and establishment of an overlay district will help in achieving the Vision, Goals & Objectives of the plan.

3. **Proffers.** N/A
4. **Board of Zoning Appeals (BZA).** N/A
5. **Surrounding Area.** N/A
6. **Site Description.** Fifth Street is a three (3) lane street forming a major spine within the City’s grid of streets in and surrounding the downtown area. The corridor is a link between the Downtown, Midtown and Rivermont areas of the City. Once Business 29, Fifth Street became Virginia Route 163 when the U.S. 29 by-pass was opened in 2005. Fifth Street is no longer a major U.S./Virginia through route and now has the opportunity to become a local serving street.

Fifth Street is primarily a commercial street from Main Street to just south of Park Avenue. Many of the commercial buildings are now vacant with those remaining being dominated by automobile repair shops. Several churches are also located in the corridor while the blocks surrounding Fifth Street have remained predominantly residential.

7. **Proposed Use of Property.** The purpose of these petitions is to create land use regulations that will aide in achieving the Vision, Goals & Objectives of the *Fifth Street Corridor Master Plan* while creating an environment that is conducive to business, residential development and the revitalization of the corridor.
8. **Traffic, Parking and Pubic Transit.** The City's zoning ordinance currently requires two and one-half (2.5) off-street parking spaces for residential uses and typically one (1) space per three hundred (300) square feet for commercial uses. Until the early 1990's the Fifth Street corridor was in the City's "First Fire District" which eliminated off-street parking requirements for the area. Removal of the parking exemption from Fifth Street created a land use regulation that was not conducive to redevelopment since a majority of the lots along Fifth Street are too small to facilitate off-street parking.

The proposed rezoning and overlay district would remove the mandatory off-street parking requirement for properties zoned B-6, Riverfront Business District and require only one (1) parking space per unit in residential areas.

9. **Storm Water Management.** N/A

10. **Emergency Services.** N/A

11. **Impact.** The creation of the *Fifth Street Master Plan* in 2006 set the stage for the revitalization of the Fifth Street Corridor. The adoption of the proposed rezoning and overlay district will be one of the single most important steps in achieving the Vision, Goals & Objectives of the Plan.

Major components of the proposal are:

- Rezoning areas along Fifth Street from B-5, General Business District to B-6, Riverfront Business District. This will eliminate mandatory off-street parking requirements and establish zoning which promotes mixed-use oriented developments as supported by the *Master Plan*.
- Rezoning areas in the blocks surrounding Fifth Street from B-5, General Business District to an appropriated residential zoning (predominantly R-3, Medium-Density, Two-Family Residential District) to stabilize the existing neighborhoods by ensuring appropriate residential development.
- Reduction in the side and rear setbacks to allow for building expansions and infill development.
- Establishment of maximum front yard setbacks to establish a pedestrian oriented corridor.
- Establishment of building material requirements.

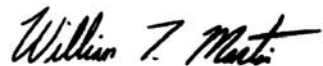
11. **Technical Review Committee.** N/A

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of rezoning properties in the Fifth Street

Corridor from B-1, Limited Business District & B-5, General Business District to R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District & B-6, Riverfront Business District and the adoption of Section 35.1-43.2, Fifth Street Revitalization Corridor Overlay District as part of the City's Zoning Ordinance.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia L. Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Administrator
Mr. Kent L. White, Senior Planner
Mrs. Erin B. Hawkins, Environmental Planner

VII. ATTACHMENTS

- 1. Property Owner List**
- 2. Future Land Use Map**
- 2. Existing Zoning Pattern**
- 3. Proposed Zoning Pattern**
- 4. Proposed Overlay District Boundary**
- 5. Section 35.1-43.2**

DRAFT – SEPTEMBER 07, 2007, Revised September 10, 2007

Sec. 35.1-43.2. Fifth Street Revitalization Corridor Overlay District (FSC).

- (a) Intent. This district is intended to protect and promote the health, safety and general welfare of the public; to enhance the visual appearance of the corridor; to protect and promote the vision and goals of the Fifth Street Corridor Master Plan; to protect and promote appearance, character and community values by encouraging pedestrian and mixed use oriented uses along the corridor that serve the needs of the surrounding neighborhoods.

Furthermore, the district is intended to promote responsible commercial development; to encourage neighborhood stabilization, expansion and infill; to reduce the amount of vacant and deteriorated structures in the corridor; to encourage designs that produce a desirable relationship between individual sites, multiple modes of transportation and the adjacent areas; and to promote the corridor as a link between the Downtown and Midtown areas of the City.

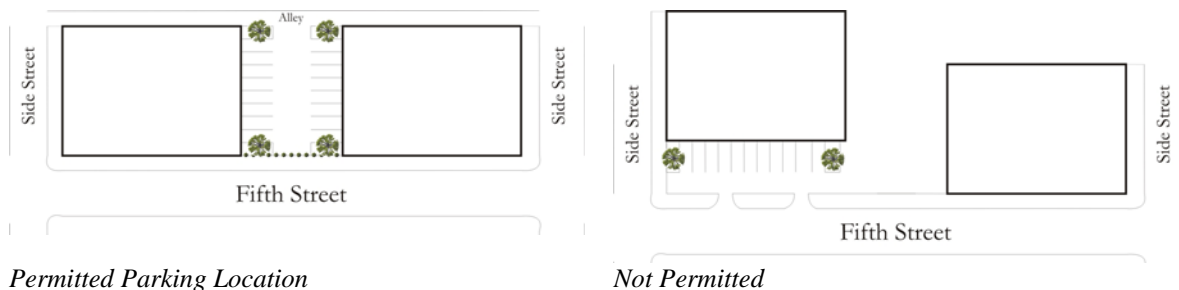
- (b) District boundaries. The Fifth Street Revitalization Corridor Overlay District boundaries are established from the intersection of Fifth Street to the Martin Luther King, Jr. Memorial Bridge, encompassing two (2) blocks north and south of Fifth Street, excluding the Court House Hill Historic District, the Garland Hill Historic District, the Old City Cemetery, and one-half (0.5) of a block bounded by Sixth Street, Seventh Street and Church Street. (Figure A)



Figure A. Fifth Street Revitalization Corridor District Boundaries.

- (c) Establishment of district. The Fifth Street Revitalization Corridor Overlay District shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the Fifth Street Revitalization Corridor Overlay shall also lie within one or more of the other zoning districts provided by this ordinance. The effect shall be the creation of a new zoning districts consisting of the regulations and requirements of both the underlying district(s) and the Fifth Street Corridor Overlay District.

- (d) District standards. Where the standards of the Fifth Street Revitalization Corridor Overlay District and the underlying district(s) differ, the Fifth Street Revitalization Corridor standards shall apply except in the instance of individually designated historic properties.
- (e) Permitted uses. The uses permitted by right, as accessory and by conditional use permit shall be the same as the uses permitted by right, as accessory and by conditional use permit in the applicable underlying zoning district except for the following:
1. Residential uses fronting Fifth Street shall be prohibited unless they are part of a mixed use development.
- (f) Off-street parking requirements. The minimum off-street parking requirements for the Fifth Street Revitalization Corridor are as follows:
1. Minimum off-street parking requirements for areas zoned B-6, Riverfront Business District, shall not apply because of the impracticability of providing such parking on the basis of individual uses in highly congested areas. However, developers are strongly encouraged to provide parking up to the minimum requirements.
 2. Minimum off-street parking requirements for residential uses shall be one (1) space per (1) residential unit.
 3. All other uses permitted by right, as accessory or by conditional use permit shall provide off-street parking as provided in Section 35.1-25.
- (g) Location of off-street parking facilities. Where provided, off-street parking facilities shall be located to the sides and rear of buildings. Means of ingress and egress to off-street parking facilities shall be from side streets only and shall not be from Fifth Street unless topography or other conditions peculiar to the site would prohibit a means of ingress and egress from the side street.



- (h) Internal vehicular circulation. Sites fronting Fifth Street shall be designed to achieve direct and convenient vehicular access between adjacent properties. The owner(s) of a lot(s) providing for internal vehicular circulation shall make adequate provision by dedication,


easements, covenants, restrictions, or other legal instruments for ensuring that internal vehicular circulation is provided for and maintained consistent with the regulations and intent of this section.

- (i) Exterior Lighting. Exterior lighting shall be controlled so that no direct illumination will occur beyond the property line. In instances where buildings have a zero (0) foot setback, exterior lighting shall be controlled so that no direct illumination occurs beyond the public sidewalk.
- (j) Utilities. All utilities shall be located underground.
- (k) Architectural treatment. Buildings fronting or visible from Fifth Street are encouraged to comply with the Commercial Historic District Guidelines.
 - 1. No portion of a building constructed of unadorned cinderblock, corrugated and/or sheet metal shall be visible from any adjoining residential district, historic district or public right of way.
 - 2. Buildings fronting on Fifth Street shall be designed to utilize building materials that are compatible with the Fifth Street Revitalization Corridor Overlay District such as stone, brick, stucco, or wood.
 - 3. Vegetative buffering as described in Section 35.1-25.11, Buffering of this ordinance placed along that portion of the building not otherwise meeting the requirements of architectural treatment will be deemed sufficient treatment for the purposes of this section.
 - 4. Front porches are encouraged for all newly constructed or renovated residential units.
- (l) Commercial districts adjacent to residential districts. In all instances where a commercial district is adjacent to a residential district, there shall be established in the commercial district a screened yard between the two (2) districts. Screening may be provided according to the regulations of Section 35.1-25.11, Buffering of this ordinance or by providing a screening fence, wall or any combination of landscaping, fence or wall adequate to screen the commercial use as approved by the City Planner.
- (m) General Standards, Fifth Street Revitalization Corridor.
 - 1. Business Districts.
 - (a) Front setback – Zero (0) feet maximum.
 - (b) Side setback – zero (0) feet.
 - (c) Rear setback – Ten (10) feet.
 - (d) Lot coverage – No maximum

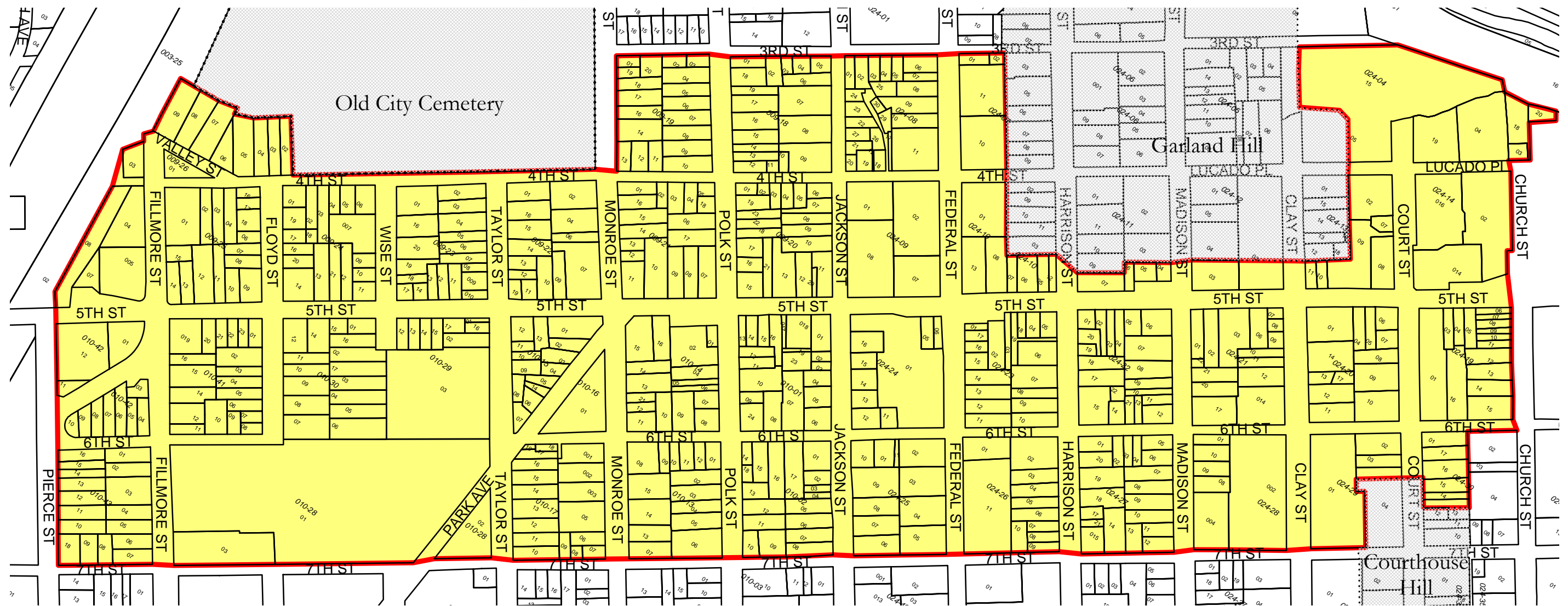
- (e) Building Height – Twenty-Four (24) minimum – Forty-Eight (48) Maximum

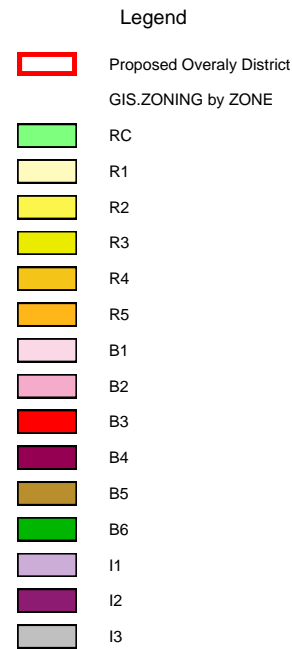
2. Residential Districts.

- (a) Front setback – Fifteen (15) feet maximum
- (b) Side setback – Three (3) feet
- (c) Rear setback – Five (5) feet
- (d) Lot coverage – No maximum
- (e) Building Height – Not applicable

 Proposed Boundary

Scale 1 in. = 300 ft.

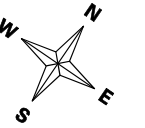




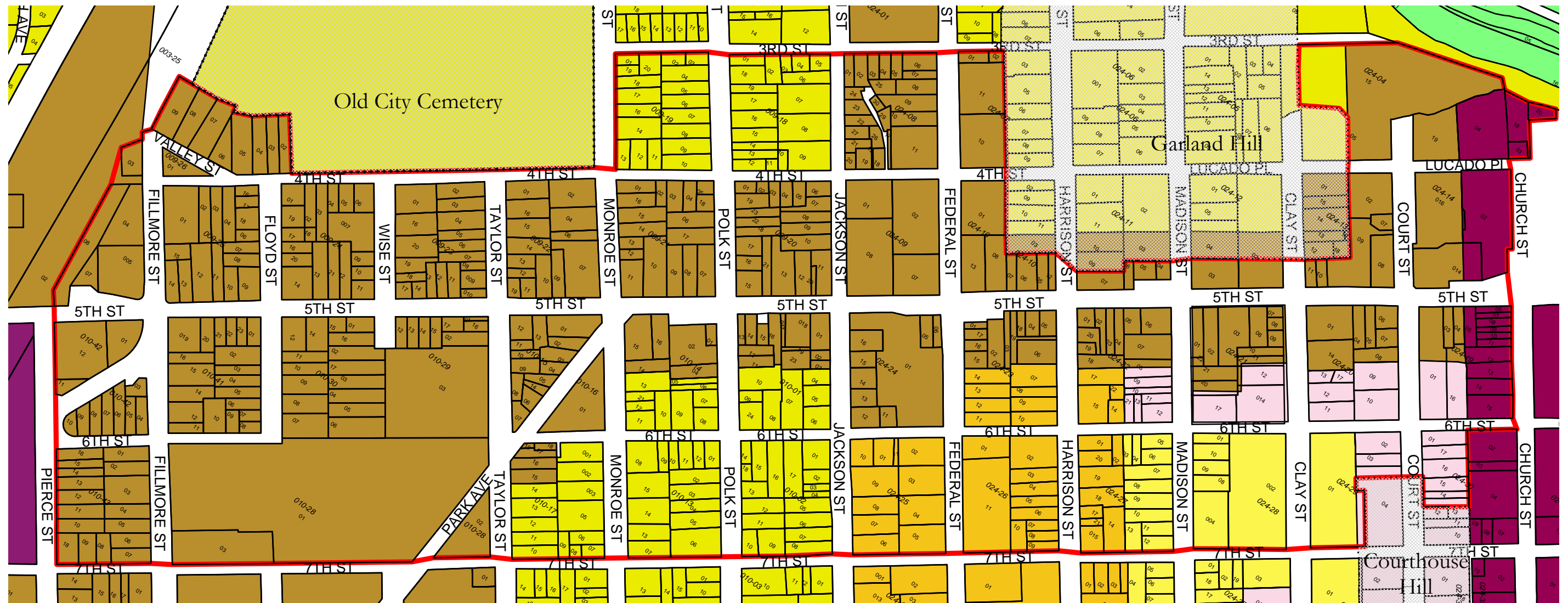
Fifth Street Revitalization Corridor

Existing Zoning

September 12, 2007



Scale 1 in. = 300 ft.



Fifth Street Revitalization Corridor

Proposed Zoning

September 12, 2007

Revised October 4, 2007



Scale 1 in. = 300 ft.

Legend

-  Proposed Overlay
-  R3
-  R4
-  B6

